

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

POLICY AND PROCEDURES IN THE)	ADMINISTRATIVE
PROVISION OF OPERATOR-ASSISTED)	CASE NO. 330
TELECOMMUNICATIONS SERVICES)	

O R D E R

On January 15, 1990, the Commission issued an Order in this proceeding modifying certain requirements contained in the August 8, 1989 Order. Also, the Commission scheduled an informal conference for February 5, 1990 to discuss issues raised by parties in response to the September 8, 1989 Order, but not addressed by the Commission in the January 15, 1990 Order. By that same Order, the Commission specifically held in abeyance the scheduling of a formal hearing pending the outcome of the informal conference.

At the beginning of the February 5, 1990 informal conference, the Attorney General, by and through his Utility and Rate Intervention Division ("Attorney General"), discussed three documents he had filed late in the afternoon of the work day preceding the informal conference which were a notice of preservation of right, a motion for clarification, and a motion or application for hearing.

By the notice of preservation of right, the Attorney General seeks to reserve the right to raise any and all issues which he

deems relevant to this proceeding. The Attorney General has participated in this proceeding as a party, was notified of the scheduling of the informal conference, and has at all times had the opportunity to file comments or raise issues in this proceeding. Therefore, the notice of the preservation of right does not preserve any right not otherwise available to the Attorney General.

By his motion for clarification, the Attorney General has requested the Commission to clarify its authority to conduct the February 5, 1990 informal conference and to establish rules and parameters for conducting conferences. The Commission's authority to convene conferences is clearly and explicitly set forth in its regulations, 807 KAR 5:001, Section 4(4). The informal conference was scheduled by Order of the Commission which set forth its purpose and the issues to be addressed. Regarding the establishment of rules and parameters for conducting conferences, the Commission finds that the Attorney General has failed to demonstrate good cause to justify his requests. The basis cited in the Attorney General's motion is a concern that a party may be held to have waived its rights as a result of participating in a conference. Waiver involves factual issues that must be determined on a case-by-case basis. Therefore, the issue of waiver of rights is incapable of being resolved by establishing rules and parameters for conducting conferences. The motion should therefore be denied.

Lastly, the Attorney General filed a motion or application for hearing. The motion, however, contains no delineation of the

issues or witnesses which the Attorney General would like to present at a hearing in this matter but asserts that the Attorney General does not agree with the position advanced by the telephone companies and contests all underlying information supporting the positions advanced by the telephone companies. By Order dated February 5, 1990, the Commission held in abeyance the scheduling of a formal hearing. The Commission will consider requests for hearings which contain issues to be addressed at any hearing as well as the witnesses to be called.

The Commission, having reviewed the documents received from the Attorney General on February 2, 1990 and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. The Attorney General's notice of preservation of right preserves no right that the Attorney General would not have had absent the notice.

2. The motion for clarification of the Commission's authority to conduct informal conferences is hereby denied.

3. The Attorney General's motion or application for hearing is held in abeyance for a period of 20 days from the date of this Order during which the AG may supplement his motion by complying with the ordering paragraph 4 infra. Absent such compliance, the motion shall be dismissed without further Order of the Commission.

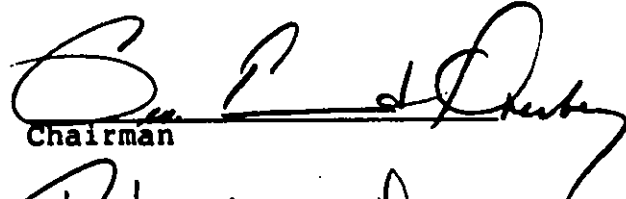
4. All parties, including the Attorney General, who wish to request a hearing in this matter, regardless of prior requests, shall notify the Commission in writing within 20 days of the date

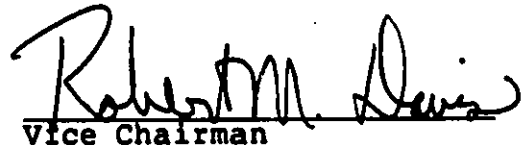
of this Order and shall specify the issues and witnesses they seek to present at any hearing.

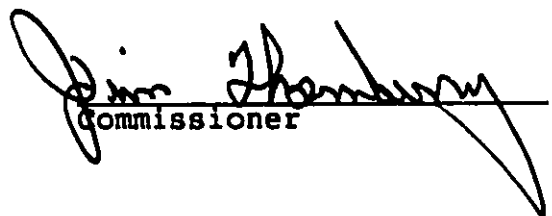
5. Any party not requesting a hearing may, within 20 days of the date of this Order, file comments for the Commission's consideration on any issue that remains unresolved in this proceeding.

Done at Frankfort, Kentucky, this 8th day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director